PTO/SB/30 (04-05)

Approved	for	use th	rough	07/31	/2006.	OMB	065	1-003
						^- ^	~	4000

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Request	Application Number	10/767,002	
for	Filing Date	January 28, 2005	
Continued Examination (RCE)	First Named Inventor	Robert Breslow	
Transmittal Address to:	Art Unit	1761	
Mail Stop RCE Commissioner for Patents	Examiner Name	Weinstein, Steven L.	
P.O. Box 1450 Alexandria, VA 22313-1450	Attorney Docket Number	66873-010001	
This is a Request for Continued Examination (RCE) Request for Continued Examination (RCE) practice under 37 Cl 1995, or to any design application. See Instruction Sheet for RC	FR 1.114 does not apply to any uti	lity or plant application lileo prior to some o.	
Submission required under 37 CFR 1.114) No amendments enclosed with the RCE will be entered in the applicant does not wish to have any previously filed uner amendment(s).	oto: If the RCE is proper, any previous of the RCE is proper, any previous of the RCE is propertied under the RCE amendment (s) entered, app	pusiy filed unentered amendments and bless applicant instructs otherwise. If blicant must request non-entry of such	
Previously submitted. If a final Office action is considered as a submission even if this box is	outstanding, any amendments file	d after the final Office action may be	

	•		COURIGELED SE S SIDMISSION GARLIN THE DOY IS HAT CHECK	NOG.			
		i.	Consider the arguments in the Appeal Bricf or Re	ply Bri	ef prev	iously filed on	····
		II.	Other Response dated July 26, 2005 to Office Ad	ction d	eted M	arch 4, 2005	
	b.		Enclosed				
		I.	Amendment/Reply	iii.		Information Disclosure S	tatement (IDS)
		iì.	Affidavit(s)/ Declaration(s)	iv.		Other	
2. 3.	a. b.		Suspension of action on the above-Identified application period of months. (Period of suspension shall nother The RCE fee under 37 CFR 1.17(e) is required by 37 The Director is hereby authorized to charge the follows:	CFR 1	.114 w.	onths; Fee under 37 CFR 1.11 hen the RCE is filed. underpayment of fees, or	7(i) required) credit any overpayments, to
	a.	<u>'</u>	Deposit Account No. 13-0206 RCE fee required under 37 CFR 1.17(e)	l hav	e enclo	sed a duplicate copy of th	is sheet.
		ñ.	Extension of time fee (37 CFR 1.138 and 1.17)				
		iii.	Other				
	b.		Check in the emount of \$			_enclosed	
İ	C.	H	Payment by credit card (Form PTO-2038 enclosed)				
WA	RNIN	لــــا G: Inf rmati	ormation on this form may become public. Credit car on and authorization on PTO-2038.	rd info	omatic	n should not be include	d on this form. Provide credit
=			SIGNATURE OF APPLICANT, AT	TORN	EY. OF	R AGENT REQUIRED	
Sicr	nature		Peterly O. Rubers			Date	November 14, 2005
	ne (Pri					Registration No.	48,905
<u> </u>						VOLUCCIÓN	

CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Moil Stop RCE, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450 or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below. (571) 273-8300 Office on the date shown below. (571) 273-8300
Signature Patrick O Paileach

Name (Print/Type) Patrick D. Richards

Date November 14, 2005

Name (Print/Type) | Patrick D. Richards | Date | November 14, 2005

This collection of information is required by \$7 CFR 1.114. The information is required to obtain or retain a bonefit by the public which is to fire (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, to process) an application, properling, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on including gathering, preparing, and submitting the completed displacement of the you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief information Officer, U.S. Patent and the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief information Officer, U.S. Patent and the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief information Officer, U.S. Patent and the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief information Officer, U.S. Patent and the amount of time you require to complete this form. A 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS Tradement Office, U.S. Patent and the amount of time you require to complete the sent of the Chief information of the your require to complete the complete the public which is public which is to process. Any comment of the your require to complete the complete the public which is the chief information of the your require to complete the complete the public which is the public which is to process. Any comment of the your require to complete the public which is the public which is the public whi

11/15/2005 ZJUHAR1 00000034 130206

McDermott Will&Emery

RECEIVED CENTRAL FAX CENTER

NOV 1 4 2005

Boston Brussels Chicago Düsseldorf London Los Angeles Miami Munich New York Orange County Roma San Diego Silicon Valley Washington, D.C.

FACSIMILE

Date: November 14,	, 2005	Time Sent:		
To:	Company:	Facsimile No:	Telephone No	;
Mail Stop RCE	U.S. Patent and Trademark Office	571.273.8300	•	
From:	Patrick D. Richards	Direct Phone:	312.984.6940	
E-Mail:	prichards@mwe.com	Direct Fax:	312.984.7700	
Sent By:	Catherine N. Hunter	Direct Phone:	312.899.7246	
Client/Matter/Tkpr:	66873/010/5334	Original to Follow by Mail:		No
		Number of Pages, Including Cover:		6

Re:

RCE for 10/767,002

Message:

Attached:

Facsimile Cover Sheet (1 p.); Certificate of Facsimile (1 p.); Fee Transmittal (1 p. - in dup.) and RCE Transmittal (1 p. - in dup.).

The information contained in this facsimile message is legally privileged and confidential information intended only for the use of the individual or entity named above. If the reader of this message is not the Intended recipient, you are hereby notified that any dissemination, distribution, or copy of this facsimile is strictly prohibited. If you have received this facsimile in error, please notify us immediately by telephone and return the original message to us at the below address by mail. Thank you.

IF YOU DO NOT RECEIVE ALL OF THE PAGES, PLEASE CALL CATHERINE N. HUNTER AT 312.899.7246 AS SOON AS POSSIBLE.

Main Facsimile: 312.984.7700

Facsimile Assistance: Outgoing Faxes: 312.984.2147; Incoming Faxes: 312.984.2134

U.S. practice conducted through McDermott Will & Emery LLP.

227 West Monroe Street

Chicago, Illinois 60606-5096

Telephone: 312.372.2000

In re Appln. of Breslow, et al. RCE for U.S. Patent Appln. No. 10/767,002 "Frozen Additive for Use with a Heated Beverage" MWE Ref. No. 66873-010001

CERTIFICATE OF FACSIMILE TRANSMISSION

Facsimile Date: November 14, 2005

I hereby certify that the following documents:

Facsimile Cover Sheet (1 p.); Certificate of Facsimile (1 p.); Fee Transmittal (1 p. - in dup.) and RCE Transmittal (1 p. - in dup.).

are being transmitted by facsimile to Mail Stop RCE, Group Art Unit 2162, Commissioner for Patents at Facsimile Number (571) 273-8300, on the date indicated.

Patrick D. Richards

(Typed or printed name of person faxing paper or fee)

Patrick D. Patrick
(Signature of person faxing paper or fee)

PTO/SB/17 (12-04)
Approved for use through 07/31/2005, OMB 0651-0032
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Panerwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number CEIVED L FAX CENTER

Effec.	tive on 12/08/20	04.	,,,,,, L		Co	mpiete it K	nown	<u></u>	FOEIL-
Fees pursuant to the Consolid				Application Nun	nber 1	0/767,002		CENTE	CEIVE
FEE TR			\L [Filing Date	<u> </u>	anuary 28, 2	004		AL FAX CE
Fo	r FY 20	05	[First Named Inv	entor F	Robert Bresid)W	Nr	V 1 4 2
			, 	Examiner Name	١ ١	Welnstein, SI	even L.		V . 1 4. Z
Applicant claims small	l entity status.	See 37 CFR 1.2		Art Unit	1	761			
TOTAL AMOUNT OF PAY	MENT (\$)	395	[Attorney Docke	No. 6	6873-01000	1		1
METHOD OF PAYMEN	T (check all t	that apply)	- 11						
Check Credit	Card M	loney Order	Non	e Other (lease identi	fy):			
Deposit Account			06	Deposit A	count Name	McDerm	юtt Will & Еп	ery LLP	
For the above-ident	Ifled deposit a	ccount, the Direct							
✓ Charge fee(s							v, except for the	e filing fee	
		s) or underpayme	nts of fe	e(s) V Credi	t any overp	avments		·	
under 37 CF WARNING: Information on the	D 4 45 and 4 1	17			-		m. Provide credit	card	
information and authorization	on PTO-2038.				,				
FEE CALCULATION									
1. BASIC FILING, SEA	RCH, AND E	EXAMINATION	FEES	OU FEED	EVALUE	141081	.ce		
	FILING F <u>S</u> i	EES mall Entity	SEAR	CH FEES Small Entity		NATION FE <u>Small Enti</u>	tv	n :	
Application Type	Fee (\$)	Fee (\$)	Fee (\$	Fee (\$)	Fee (\$	Fee (\$)	<u>Fees</u>	Paid (\$)	
Utility	300	150	500	250	200	100			İ
Design	200	100	100	50	130	65			
Plant	200	100	300	150	160	80			
Reissuc	300	150	500	250	600	300	 		
Provisional	200	100	0	0	0	0			
2. EXCESS CLAIM FE	ES						Fee (Small Entity Si Fee (\$)	
Fee Description Each claim over 20 or, f	or Reissues.	each claim ove	r 20 and	i more than in I	he origina	al patent	50	25	
Each independent claim	over 3 or, fo	r Reissucs, cac	h indep	endent claim m	ore than i	n the origin	al patent 200	100	
Multiple dependent clair	ms						360	180	ł
<u>Total Claims</u> 0 - 20 or HP =	Extra Claims 0	<u>Fee (\$)</u> x 50	= 0	<u>Paid (\$)</u>	MURIPIE Fee (Dependent	Fee Paid (\$)		
HP = highest number of total						<u> </u>	,		
Indep. Claims	Extra Claims	Fee (\$)		Paid (\$)					
0 - 3 or HP = HP = highest number of inde	Dendent claims i	x 200 paid for, if greater th	_= <u>0</u> an 3						
ADDITION SIZE	CEE								
If the specification and	d drawings e	xceed 100 shee	ts of pa	per, the applica	tion size:	fee due is \$	250 (\$125 for	small entity)	
for each additional		r fraction there	of. Sec	35 U.S.C. 41(a)(1)(G) ar	id 37 CFR	1,16(8). Fee (\$) <u>!</u>	ee Paid (\$)	1
<u>Total Sheets</u> - 100 =	Extra Shee	<u>ts: Numb</u> /50=	er or eac	h <u>additional 50</u> (round up to a	whole num	ber) x		0	1
				,				Fees Paid (\$)	ļ
4. OTHER FEE(S) Non-English Specif	ication \$1	30 fee (no sma	ll entity	discount)			•		
Other: Request for)				_	395	ŀ
Outer: requestror									4
SUBMITTED BY			· · · · · · ·	Registration No.		7 7-	lephone 3	40.000.000	┨
		A 1 6		registration 40.	48 905	l (e	ерионе д	12 372 2000	1

SUBMITTED BY				
Şignature	Patrick O. Richard	Registration No. 48,905	Telephone	312.372.2000
Name (Print/Type)		To work of the second of the s	Date N	lovember 14, 2005

This collection of Information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the including case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief information Officer, U.S. Patont on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief information Officer, U.S. Patont and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

PTO/\$B/17 (12-04)

tieder the Decoupel E	Peduation Act of 190	5 no neasons are required to re	U.S. Estent and Tra	demark Ωffic	R: U.S. DEPARTM	2006. OMB 0651-0032 IENT OF COMMERCE I OMB control number	
	Effective on 12/08/	2004.		Complete			1
	onsolidated Appropri	istions Act. 2005 (H.R. 4818).	Application Number	10/767,0	02	REGE	11./~~
l FEE 1	TRANS	SMITTAL	Filing Date	January 2	28, 2004	CENTRAL FA	VED
	For FY 2	005	First Named Inventor	Robert B	reslow		CENTER
			Examiner Name	Weinstei	n, Steven L.	NOV 1	4 2005
Applicant claims	small entity statu	s. See 37 CFR 1.27	Art Unit	1761			2003
TOTAL AMOUNT OF	PAYMENT (\$	395	Attorney Docket No.	66873-0	10001		,
METHOD OF PAY	MENT (check a	If that apply)					
Check Cr	edit Card	Money Order No	nc Other (please id	lentify):		. <u></u>	
		nt Number: 13-0206	Deposit Account N	Isme: McD	ermott Will &	Emery LLP	
For the above	identified deposit	account, the Director is he					
_	fee(s) indicated b					or the filing fee	
Charge	any additional fee	e(s) or underpayments of fe	= -		-	-	
1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	7 ACD 4 12 and 1	1,17 secome public. Credit card in				credit card .	
Information and authori	zation on PTO-203	8.					
FEE CALCULATION						· · · · · · · · · · · · · · · · · · ·	
1. BASIC FILING,	SEARCH, AND FILING	EXAMINATION FEES	RCH FEES EXA	MINATION	FEES		
		Small Entity	Small Entity	Small	<u>Entity</u>	ees Paid (\$)	
Application Type		Fee (\$) Fee (\$	_ (-75t -	- G99 L BIO (9)	
Utility	300 200	150 500 100 100	250 20 50 13		_		
Design	200	100 100	150 16		_		
Plant	300	150 500	250 60	_	•		
Reissue	200	100 0			0 <u> </u>		
Provisional 2. EXCESS CLAIN		100	V	U	_	Small Entity	
Fee Description					•	en (\$) Fen (\$)	
Each claim over 20	or, for Reissues	s, each claim over 20 an for Reissues, each indep	d more than in the original designs and the congression of the congression more than the congression of the	ginal paten in in the or	t ipinal patent	50 25 200 100	
Multiple dependent		idi Reissies, cuen morp	,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,			360 180	
Total Claims	Extra Clain				dent Claims	, f	ECEIVE
0 - 20 or H HP = highest number of	(P = 0 of total claims paid fo	x 50 = 0		<u>ee (\$)</u>	Fee Paid (\$		OIPE/IAF
<u>Indep. Claims</u>	Extra Clain	ns <u>Fee (\$)</u> <u>Fee</u>	Pald (\$)			_	
0 - 3 or HF MP = highest number of	r = 0 f independent claim	x 200 = 0 s paid for, if greater than 3				NQ	V 1 5 2
3 APPLICATION	RIZE EEE						
If the specification	n and drawings	exceed 100 sheets of pa	per, the application si	ze fee due	is \$250 (\$125	for small entity)	
for each additi Total She <u>ets</u>	ional 50 sheets <u>Extra She</u>	or fraction thereof. See	ch additional 50 or fract	lon thereof	Fee (\$)	Fee Paid (\$)	
	00 =	/ 50 =	(round up to a whole n			=0	
4. OTHER FEE(S)						Fees Paid (\$)	
Non-English St		130 fee (no small entity	discount)				
Other: Reques	t for Continued E	xamination (\$395)				395	
SUBMITTED BY)
	المنتله 0	Bilant	Registration No. 48,9	05	Telephone	312.372.2000	
	Patrick D. Ric				Date Nov	ember 14, 2005	J

This collection of Information is required by 37 CFR 1.138. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete. Including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.